REMARKS

Favorable consideration and allowance of the present application is respectfully requested.

In the recent Office Action, Applicant's amendment dated September 4, 2003 was deemed unresponsive for including the term "medical package" in the claims, and for not adequately responding to each individual rejection. Without commenting on the propriety of these objections, Applicants have cancelled the "medical package" language from all pending claims. Furthermore, the remarks set forth below include a more detailed discussion of each of the sixteen (16) references cited in the Office Action, which is believed to comply with all of the requirements of 37 C.F.R. §1.111.

Claims 21-35, including independent claims 21, 29, and 35, are currently pending in the present application. Independent claim 21, for instance, is directed to a fibrous web. The fibrous web is saturated with a composition comprising a blend of a latex polymer having a glass transition temperature of about 10°C or less and a heat-sealable polymer. The heat-sealable polymer comprises a homopolymer or heteropolymer of a lower alkene. The resulting fibrous web has a Gurley stiffness of less than about 165 milligrams in the machine direction and a seal strength of at least about 0.70 pound per inch when sealed to a base component, i.e., to a base component of a medical package.

In the Office Action, original claims 11-13 were initially rejected under 35 U.S.C. §112, first and second paragraphs, for failing to comply with the enablement requirement and for being indefinite. Without commenting on the propriety of this rejection, Applicants simply note that new claims 21-35 are believed to fully satisfy the

requirements of §112. For instance, independent claim 21 utilizes a blend of a latex polymer and a heat-sealable polymer, i.e., a homopolymer or heteropolymer of a lower alkene, to achieve a fibrous web having the desired combination of drapability and seal strength.

Further, in the Office Action, original claims 11-13 were also rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Nos. 3,567,502 to Graham, et al.; 3,632,424 to Graham, et al.; 3,714,298 to Bergomi, Jr.; 3,755,219 to Bergomi, Jr., et al.; 5,466,517 to Isaac, et al.; 5,580,910 to Isaac, et al.; 5,508,100 to Wierer, et al.; 5,595,828 to Weber, et al.; 4,109,043 to DeLapp; 4,112,169 to Huffman, et al.; 4,128,696 to Goebel, et al.; 4,600,404 to Sheldon, et al.; 4,837,070 to Weber, et al.; 4,849,278 to Stokes; 5,063,104 to Robertson, et al.; or WO 99/00549 to Kapik, et al. However, Applicants respectfully submit that new independent claims 21, 29, and 35 patentably define over each of the above-cited sixteen (16) references.

Graham, et al. ('502) relates to fibrous substrates applied with a mixed emulsion of a polyvinylidene chloride polymer latex and an ethylene/vinyl chloride/acrylamide interpolymer latex. Similarly, Graham, et al. ('424) relates to fibrous substrates applied with ethylene/vinyl chloride/acrylamide interpolymer latex. However, neither of the Graham, et al. references discloses a seal strength of at least about 0.70 pound per inch when sealed to a base component. In fact, neither of the references even teach that the substrate may be sealed to a base component, such as a component of a medical package, but instead teach simply that the substrate may be used in packaging operations. (See e.g., Graham, et al. ('424), Col. 1, ll. 11-23). Further, the references

also fail to disclose a Gurley stiffness of less than about 165 milligrams in the machine direction.

Bergomi, Jr. ('298) and Bergomi, Jr., et al. ('219) describe a paper coating composition that includes a mineral pigment and an adhesive binder. The function of the adhesive binder is to bind the pigment particles to each other and to the surface of the paper so that the surface coat will not be picked away from the paper by a tacky printing ink. (See e.g., Bergomi, Jr. ('298), Col. 1, ll. 37-40). The binder of Bergomi, Jr. ('298) is a polyblend of ethylene/vinyl chloride/acrylamide interpolymer and polyacrylamide. The binder of Bergomi, Jr., et al. ('219) is a polyblend of ethylene/vinyl chloride interpolymers modified with interpolymers of alpha, beta-unsaturated polybasic carboxylic acids. However, neither of the Bergomi, Jr. references discloses a seal strength of at least about 0.70 pound per inch when sealed to a base component. In fact, neither of the references even teach that the binder assists in sealing paper to a base component, such as a component of a medical package, but instead teach that the adhesive binder is used to inhibit picking of the pigment coating from the surface by ink. Further, the references also fail to disclose a Gurley stiffness of less than about 165 milligrams in the machine direction.

Isaac, et al. ('518) relates to a fibrous web for use in disposable diapers, incontinent garments, and feminine care products. The web includes a plurality of fibers joined together by a binder, which is formed from a blend of a water-dispersible polymer, an elastomeric latex emulsion, a xerogellant, and a plasticizing agent. However, Isaac, et al. ('518) fails to disclose a seal strength of at least about 0.70

pound per inch when sealed to a base component. Further, Isaac, et al. ('518) also fails to disclose a Gurley stiffness of less than about 165 milligrams in the machine direction.

Isaac, et al. ('910) relates to a film, which if apertured, has the ability, in the presence of water or water vapor, to self-seal the apertures if they have an area of less than about 625,000 square microns. The film includes a water-dispersible polymer, a xerogellant, and a plasticizing agent. However, Isaac, et al. ('910) fails to disclose a seal strength of at least about 0.70 pound per inch when sealed to a base component. Further, Isaac, et al. ('910) also fails to disclose a Gurley stiffness of less than about 165 milligrams in the machine direction.

Wierer, et al. describes a binder used to laminate tissue fabrics. The binder includes an aqueous plastics dispersion, an organic or inorganic filler, and a thickener. On the other hand, the saturant composition of the present claims requires a blend of a latex polymer having a glass transition temperature of 10°C or less (e.g., acrylic latex polymer) and a heat-sealable polymer comprising a homopolymer or heteropolymer of a lower alkene. Further, Wierer, et al. fails to disclose a seal strength of at least about 0.70 pound per inch when sealed to a base component. Wierer, et al. also fails to disclose a Gurley stiffness of less than about 165 milligrams in the machine direction.

Weber, et al. ('828) describes a polymer-reinforced paper, which includes eucalyptus fibers. After forming the web from eucalyptus fibers and, optionally, other fibers such as non-eucalyptus cellulosic fibers and/or synthetic fibers, the web is saturated with a latex binder. On the other hand, the saturant composition of the present claims requires a blend of a latex polymer having a glass transition temperature of 10°C or less (e.g., acrylic latex polymer) and a heat-sealable polymer comprising a

homopolymer or heteropolymer of a lower alkene. Further, Weber, et al. ('828) fails to disclose a seal strength of at least about 0.70 pound per inch when sealed to a base component and a Gurley stiffness of less than about 165 milligrams in the machine direction.

DeLapp describes decorated surface panels designed for applications, such as furniture and vertical surfaces. The panel includes a self-supporting substrate and a decorative paper sheet impregnated with a mixture of a melamine/formaldehyde resin syrup, an elastomer, and an alkylene polyamine. On the other hand, the present claims require blend of a latex polymer having a glass transition temperature of 10°C or less (e.g., acrylic latex polymer) and a heat-sealable polymer comprising a homopolymer or heteropolymer of a lower alkene. Further, DeLapp fails to disclose a seal strength of at least about 0.70 pound per inch when sealed to a base component and a Gurley stiffness of less than about 165 milligrams in the machine direction.

Similar to DeLapp, Huffman, et al. also describes decorated surface panels designed for applications, such as furniture and vertical surfaces. The panel includes a self-supporting substrate and a decorative paper sheet impregnated with a mixture of a melamine/formaldehyde resin syrup and an elastomer. On the other hand, the present claims require blend of a latex polymer having a glass transition temperature of 10°C or less (e.g., acrylic latex polymer) and a heat-sealable polymer comprising a homopolymer or heteropolymer of a lower alkene. Further, Huffman, et al. fails to disclose a seal strength of at least about 0.70 pound per inch when sealed to a base component and a Gurley stiffness of less than about 165 milligrams in the machine direction.

Again, similar to DeLapp and Huffman, et al., Goebel, et al. also describes decorated surface panels designed for applications, such as furniture and vertical surfaces. The panel includes a self-supporting substrate and a decorative paper sheet impregnated with a mixture of a melamine/formaldehyde resin syrup and an aqueous solution of the resinous reaction product of melamine, formaldehyde, and ethylene glycol. On the other hand, the present claims require blend of a latex polymer having a glass transition temperature of 10°C or less (e.g., acrylic latex polymer) and a heat-sealable polymer comprising a homopolymer or heteropolymer of a lower alkene. Further, Goebel, et al. fails to disclose a seal strength of at least about 0.70 pound per inch when sealed to a base component and a Gurley stiffness of less than about 165 milligrams in the machine direction.

Sheldon, et al. describes a water dispersible heat activatable adhesive that is particularly designed for paper tampon tubes. The adhesive includes polyethyloxazoline, a compatible water-dispersible plasticizer with a Tg below about 10°C, and an antiblocking agent. On the other hand, the present claims require a saturant composition comprising a blend of a latex polymer having a glass transition temperature of 10°C or less (e.g., acrylic latex polymer) and a heat-sealable polymer comprising a homopolymer or heteropolymer of a lower alkene. Further, Sheldon, et al. fails to disclose a seal strength of at least about 0.70 pound per inch when sealed to a base component and a Gurley stiffness of less than about 165 milligrams in the machine direction.

Weber, et al. ('070) relates to backings for tapes, such as those used in disposable diapers. The tape backing substrate is coated with a rubber-like polymer

having a glass transition temperature between -50°C and 0°C, and thereafter coated with a thermoplastic polymer to product a flexible cloth-like substrate. To the contrary, the fibrous substrate of the present claims is saturated with a composition comprising a blend of a latex polymer having a glass transition temperature of 10°C or less (e.g., acrylic latex polymer) and a heat-sealable polymer comprising a homopolymer or heteropolymer of a lower alkene. Further, Weber, et al. ('070) fails to disclose a seal strength of at least about 0.70 pound per inch when sealed to a base component and a Gurley stiffness of less than about 165 milligrams in the machine direction.

Stokes describes a paper-based web that is saturated with a soft, stretchy polymer saturant having a T_g in the range of -45°C to 0°C. (Col. 1, ll. 38-57). Examples of these polymers include acrylics, such as Hycar® 26104 and 26083. When used for label applications, the paper web may have applied on its surface a print receptive coating that includes, for example, a binder. In Examples 2-4, the machine direction Gurley Stiffness is within the range of 16.3 to 79.9 milligrams. To the contrary, the fibrous substrate of the present claims is saturated with a composition comprising a blend of a latex polymer having a glass transition temperature of 10°C or less (e.g., acrylic latex polymer) and a heat-sealable polymer comprising a homopolymer or heteropolymer of a lower alkene. Further, Stokes fails to disclose a seal strength of at least about 0.70 pound per inch when sealed to a base component.

Robertson, et al. relates to a casing for packaging food products, such as sausage. A bonding system is employed that includes two separate steps or stages that are performed in a specific sequence. The first step involves the treatment of a base web with a thermoplastic film-forming material, such as poly(vinyl alcohol). The

second step involves the use of a film former, such as a thermosetting material mixed with a cross-linking or insolubilizing agent. To the contrary, the fibrous substrate of the present claims is saturated with a composition comprising a blend of a latex polymer having a glass transition temperature of 10°C or less (e.g., acrylic latex polymer) and a heat-sealable polymer comprising a homopolymer or heteropolymer of a lower alkene. Further, Robertson, et al. fails to disclose a seal strength of at least about 0.70 pound per inch when sealed to a base component and a Gurley stiffness of less than about 165 milligrams in the machine direction.

Kapik, et al. relates to medical packaging barrier fabrics applied with a binder material, such as latex, during or prior to web formation. Various examples of suitable latex binders are listed on pages 16 and 17. However, Kapik, et al. fails to disclose the particular blend of a latex polymer having a glass transition temperature of 10°C or less (e.g., acrylic latex polymer) and a heat-sealable polymer comprising a homopolymer or heteropolymer of a lower alkene required in the present claims. Further, Kapik, et al. fails to disclose a seal strength of at least about 0.70 pound per inch when sealed to a base component and a Gurley stiffness of less than about 165 milligrams in the machine direction.

With respect to all sixteen (16) of the references cited above, the Office Action indicates that "any characteristics of the compositions employed in such capacities would be inherent in those compositions." Presumably, this is an attempt to allege that the claimed properties of the saturated fibrous web are inherent in each of the cited references. Nevertheless, to establish inherency, the evidence must make clear that the missing descriptive matter is necessarily present in the reference, and that it would

be so recognized by persons of ordinary skill in the art. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. Thus, an inherency rejection may not be based on what would result due to the optimization of conditions, but only on what was necessarily present in the prior art. In the instance case, a variety of factors may be altered to influence the characteristics of the saturated web, e.g., seal strength, such as the types of saturant polymers utilized, the weight ratio of the saturant polymers, the percent add-on, and so forth. Thus, to obtain the claimed properties, one of ordinary skill would have to select from various possible conditions and parameters. Consequently, Applicants respectfully submit that the claimed properties do not necessarily flow from the teachings of any of the cited references.

Thus, for at least the reasons set forth above, it is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Nutter is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Supplemental Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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